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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,378	02/11/2002	Jorge Cantu Bonilla	020328-000110US	5558
20350	7590	03/27/2008	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			MYHRE, JAMES W	
TWO EMBARCADERO CENTER				
EIGHTH FLOOR			ART UNIT	PAPER NUMBER
SAN FRANCISCO, CA 94111-3834			3688	
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			03/27/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/074,378	CANTU BONILLA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JAMES W. MYHRE	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 February 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to the Amendment filed on February 15, 2008.

The Amendment added new Claim 6 and amended Claim 1. Thus, the currently pending claims considered below are Claims 1-6.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber et al (5,794,210)

Claim 1: Goldhaber discloses a method for providing advertising services, comprising:

a. requesting by an advertiser for an advertising service provider (attention brokerage server) to provide online advertising services for a user (column 15, lines 13-31);

- b. transferring funds to the advertising service provider in response to receiving (providing) the requested online advertising services (column 1, lines 65-66 and column 11, lines 64-67);
- c. presenting an advertisement to a user and a plurality of questions pertaining to the product or service being presented in the advertisement (column 7, lines 48-61; column 10, lines 49-57; and column 16, lines 10-17);
- d. receiving an answer to at least one of the questions from the user (column 7, lines 48-61; column 10, lines 49-57; and column 16, lines 10-17); and
- e. providing an incentive (reward) to the user if the answer is correct column 7, lines 48-61; column 10, lines 49-57; and column 16, lines 10-17).

While Goldhaber does not explicitly disclose that the user will select one of the questions to answer, it would have been obvious to one having ordinary skill in the art at the time of the invention to do so. The Examiner notes that Goldhaber explicitly discloses that the user is presented with and responds to a plurality of questions (column 11, line 37 and column 16, lines 10-11). As per how many the user must answer (or answer correctly), this would be set at any number desired by the advertiser. This inherently could include answering a single question, two or more of the questions, or all of the questions. If anything less than all of the questions is acceptable to the advertiser, then several options are obvious. First, all of the questions may be presented to the user and the user allowed to select one or more to answer either in some order or randomly (similar to what the Applicant is claiming). Second, the advertiser could select and present the questions to the user, again, in some order or

randomly. Another obvious variant would be that the questions are presented in order with each additional question worth more than the previous question; thus, allowing the customer to earn more credit by paying closer attention to the advertisement. All of these optional ways of presenting the questions to the user would have been obvious to one having ordinary skill in the art at the time the invention was made and could be incorporated into Goldhaber without any undue experimentation. One would have been motivated to allow the user to select which question(s) to answer in order to allow the user more control over the process (e.g. earning more credits for taking more time to answer more or harder questions).

Claims 4 and 5: Goldhaber discloses a method as in Claim 1 above, and further discloses the incentives are points/credits that are placed into the user's account and that can be used to pay "for providing entertainment or other information 70 the consumer wishes to access" (column 12, lines 5-11). The Examiner considers "entertainment" to include all types of "games".

Claim 6: Goldhaber discloses a method as in Claim 5 above, but does not explicitly disclose the online games (entertainment) are poker, black jack, craps, let-it-ride, or roulette. However, since these are all well known games and the specific game being played does not affect any of the steps in the claims, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Goldhaber to allow the user to play one or more of these or any other type of game with the earned credits.

One would have been motivated to include these types of games in view of their widespread familiarity throughout the world.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber et al (5,794,210) in view of Maggio (6,606,745).

Claim 2: Goldhaber discloses a method as in Claim 1 above and further suggests, but does not explicitly disclose, that the question pertains to a feature of the product or service column 7, lines 48-61; column 10, lines 49-57; and column 16, lines 10-17).

However, Maggio discloses a similar method for providing advertising services which further discloses that the question is linked to the product or service being advertised (the "Vignette") (column 5, lines 46-57). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to link the question in Goldhaber to a feature of the product or service being advertised. One would have been motivated to link the question in such a manner in order to ensure that the user read the advertisement; otherwise, the user may just "know" the answer without having to read (or even view the advertisement). For example, if the question was a generic question such as "How many states form the United States of America?", the user would most likely be able to answer 50 without looking at the advertisement.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber et al (5,794,210) in view of Hamzy et al (6,636,247).

Claim 3: Goldhaber discloses a method as in Claim 1 above, but does not explicitly disclose directing the user to the entity's webpage to locate the answer. However, Hamzy discloses a similar method for providing advertising services which further discloses "to display the advertisement with a question and give a number of URLs where the answer is hidden" (column 6, line 66 – column 7, line 9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Goldhaber to include such links to one or more webpages. One would have been motivated to provide the link to the entity's webpage in order to give the user some hint as to the correct answer and to prolong their exposure to the product/service being advertised as discussed by Hamzy.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber et al (5,794,210).

***Response to Arguments***

7. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

As shown above, the additional features added into Claim 1 by the Amendment are either disclosed by Goldhaber or would have been obvious over Goldhaber as discussed in the new rejection above.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES W. MYHRE whose telephone number is (571)272-6722. The examiner can normally be reached on Monday through Thursday 6:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JWM  
March 18, 2008

/James W Myhre/  
Primary Examiner, Art Unit 3688